

### **REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1 and 3-37 will be pending. By this amendment, claims 1, 3-13, 16-18, 20, 21, 30, 32-34, 36, and 37 have been amended. No new matter has been added.

#### **§103 Rejection of Claims 1 and 3-37**

In Section 4 of the Office Action, claims 1 and 3-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kocher *et al.* (U.S. Patent 6,640,305; hereinafter referred to as “Kocher”) in view of Tateishi (U.S. Patent 5,669,007).

In the Background section of the Specification, it was indicated that “[p]urchasers of these digital content data must pay two kinds of fees, data communication fee and content fee, separately ... However, the payment of two kinds of fees for purchased digital content data presents a problem that, for users who want to use only part of particular digital content data, the content fee setting system must be divided into segments.” *Specification, page 1, lines 21-23; page 2, lines 14-18 (emphasis added)*.

To overcome the above-described problem of the conventional digital content delivery system, embodiments of the present invention include a more efficient digital content data distribution system for delivering and selling digital content data over a network to a user. For example the structure of system claim 1, as presented herein, includes:

“*means for computing a content fee per unit volume of said digital content data;*

*means for computing a communication fee* charged for the delivery of said digital content data over the network;

*means for integrating said content fee with said communication fee, wherein the integration of said content fee with said communication fee produces a total fee, said means for integrating configured to include the total fee in the digital content data;* and

*means for delivering said digital content data to the user over the network.”*

(emphasis added)

Thus, in summary, the digital content data distribution system of claim 1 includes means for integrating the content fee with the communication fee, wherein the integration of the content fee with the communication fee produces a total fee, and the total fee is included in the digital content data.

By contrast, Tateishi teaches calculating the “cost of each path on the graph created in the previous stage, and orders the paths by cost.” *Tateishi, column 7, lines 35-37 (emphasis added)*. The graph in Tateishi is used to analyze the structure of a document. Tateishi refers to the term “cost of each path on the graph” as the length of travel on an analytical/mathematical graph that analyzes the structure of a document. Thus, the “cost” or the “length of travel on the graph” indicates the degree of relationship (*i.e.*, the relatedness) between/among multiple pieces of data in the document. Therefore, the term “cost” in Tateishi is not used to indicate a monetary fee for analyzing the document or for document itself. Further, Kocher discloses digital content protection method and apparatus. For example, Kocher uses crypto keys to enforce viewing privileges for digital content data.

Therefore, Kocher and Tateishi, individually or in combination, fail to teach or suggest a digital content data distribution system including means for integrating the content fee with the

communication fee, wherein the integration of the content fee with the communication fee produces a total fee, and the total fee is included in the digital content data.

Based on the foregoing discussion, it is submitted that independent claim 1, as presented herein, is not rendered obvious by the teachings of Kocher and Tateishi, individually or in combination. Other independent claims 6-8, 11-13, 16-18, 20-22, 24-26, 28-30, 32-34, and 36-37 closely parallel, and include substantially similar limitations as, claim 1. Therefore, it is submitted that independent claims 6-8, 11-13, 16-18, 20-22, 24-26, 28-30, 32-34, and 36-37 are also not rendered obvious by the teachings of Kocher and Tateishi, individually or in combination. Furthermore, since dependent claims 3-5, 9-10, 14-15, 19, 23, 27, 31, and 35, depend from one of independent claims 1, 8, 13, 18, 22, 26, 30, and 34, it is maintained that these dependent claims are also not rendered obvious by the teachings of Kocher and Tateishi, individually or in combination.

Accordingly, it is submitted that the Examiner's rejection of claims 1 and 3-37 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

### Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1 and 3-37 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, were patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose

of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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